



MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
February 21, 2008

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, February 21, 2008 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Jane Durrell** (Ward I); **Councilmember Bruce Geiger** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Councilmember Lee Erickson (Ward II); Councilmember Mike Casey (Ward III); David Banks Planning Commission Vice-Chair; Rob Heggie, City Attorney; Mike Herring, City Administrator; Mike Geisel, Director of Planning & Public Works; Brian McGownd, Director of Public Works/City Engineer; Mara Perry, Senior Planner, Jennifer Yackley, Project Planner; and Mary Ann Madden, Planning Assistant.

Chair Fults called the meeting to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the February 7, 2008 Committee Meeting Summary

Councilmember Geiger made a motion to approve the Meeting Summary of February 7, 2008. The motion was seconded by Councilmember Durrell.

Chair Fults made a correction to page 5 of the minutes as follows: **(changes shown in bold)**

After further discussion, it was agreed that Chair Fults would set up a meeting between the residents and the Petitioner. If the

neighbors agree to a 5:00 a.m. opening time, Chair Fults stated she would ~~make the motion at City Hall to allow the requested operating hours~~ **bring the matter up to Council.**

The minutes, as corrected, **passed by a voice vote of 4 to 0.**

II. OLD BUSINESS - None

III. NEW BUSINESS

- A. Federal Funding Opportunity – Edison Avenue:** Application to the East-West Gateway Council of Governments seeking funding for the placement of an asphalt microsurface on Edison Avenue between Baxter Road and Long Road.

Staff Report

Mr. Brian McGownd, Director of Public Works/City Engineer, stated that the City has an opportunity to seek grant money to place an asphalt microsurface on Edison Avenue. If successful, the City would receive the federal funds to place the microsurface in 2010. By that time, Edison Avenue will be 8-9 years old and will require some maintenance work. If approved, the grant would cover 70% of the total project cost. It is estimated the total cost would be \$316,265; the City's share of 30% would amount to \$94,875.00.

There is an application fee amounting to \$474.38, which would be refunded if the grant is not received. The application fee is to offset East-West Gateway's administrative costs. East-West Gateway is the metropolitan planning organization, which distributes the grant money.

DISCUSSION

Eligibility

Councilmember Erickson asked how the City determines which streets for which to apply. Mr. McGownd replied that only a few streets within the City are eligible for the funding. He noted that standard residential streets are not eligible.

Eligible streets must be a minor collector with specific traffic volumes and have regional importance. In Chesterfield, only the following streets are eligible: Appalachian Trail; Country Ridge; Edison Avenue; Green Trails; Schoettler Valley; and Stablestone.

Councilmember Geiger made a motion recommending that City Council direct Staff to submit an application, along with the required application fee, to the East-West Gateway Council of Governments seeking funding for the placement of an asphalt microsurface on Edison Avenue between

Baxter Road and Long Road. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

[Please see the attached report prepared by Brian McGownd, Director of Public Works/City Engineer, for additional information on the Federal Funding Opportunity – Edison Avenue.]

- B. Federal Funding Opportunity – Safe Routes to School:**
Application to MoDOT's Highway Safety Division seeking funding for the construction of sidewalks leading to Wild Horse Elementary and Chesterfield Elementary Schools

Staff Report

Mr. Brian McGownd, Director of Public Works/City Engineer, stated that the City has an opportunity to seek grant funding for the construction of sidewalks in the vicinity of elementary schools (Grades K-8). The City would apply for funding for both Wild Horse Elementary and Chesterfield Elementary to fill in gaps of sidewalk areas leading to the schools. It is anticipated that the cost would be approximately \$150,000 with funding covering 100%. It was noted that if the cost exceeds the requested amount, the City would be responsible for it.

Mr. Mike Geisel, Director of Planning & Public Works, stated that the application requires signatures from the School Districts and the individual Councilmembers.

Councilmember Geiger made a motion recommending that City Council direct Staff to submit an application to MoDOT's Highway Safety Division seeking funding for the construction of sidewalks leading to Wild Horse Elementary and Chesterfield Elementary Schools. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4 to 0.**

- C. Public Street Acceptance – Old Chesterfield Road:** Ordinance pertaining to the acceptance of Old Chesterfield Road between Baxter Road and Wild Horse Creek Road in the City of Chesterfield

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Staff Report

Mr. Brian McGownd, Director of Public Works/City Engineer, stated that Old Chesterfield Road is the section of roadway between the new Wild Horse Creek Road relocation and Baxter Road. The City is responsible for the maintenance of this roadway, which has already been approved and is on the City's snow route.

DISCUSSION

Naming of the Street

Councilmember Durrell reported that the Historical Commission renamed the street to "Old Chesterfield Road" noting that the road is located in the old Chesterfield portion of the City.

Councilmember Durrell made a motion to forward the Ordinance pertaining to the Acceptance of Old Chesterfield Road between Baxter Road and Wild Horse Creek Road to City Council with a recommendation to approve. The motion was seconded by Councilmember Geiger and **passed** by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the March 3, 2008 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Brian McGownd, Director of Public Works/City Engineer, for additional information on the Public Street Acceptance – Old Chesterfield Road.]

- D. **P.Z. 30-2007 Spirit Energy, LLC (13506 Olive):** A request for a change of zoning from a "C2" Commercial District to a "PC" Planned Commercial District for a .31 acre tract of land located at 13506 Olive Blvd. at the southwest corner of Olive Blvd. and Woods Mill Road.

Staff Report

Ms. Jennifer Yackley, Project Planner, stated that Staff received a letter from the Petitioner the day after meeting packets went out requesting that their petition be withdrawn from tonight's agenda. A copy of the letter, dated February 14, 2008, was then distributed to the Committee members.

The Petitioner would like to seek reconsideration from the Planning Commission. The subject petition was presented to the Commission on February 11th. At that time, the motion to approve failed by a vote of 3 to 5.

It was noted that in order for the petition to be reconsidered, one of the Commissioners who voted on the prevailing side would have to make a motion for reconsideration at the next Commission meeting scheduled for March 10th. A vote would be taken on the motion for reconsideration at that time; however, the petition itself would not be considered until, at the earliest, the March 24th Planning Commission meeting.

Ms. Yackley stated that the current zoning on the site is C2 with a Conditional Use Permit (C.U.P.), zoned by St. Louis County prior to the City's incorporation.

The C.U.P. only permits a 24-hour filling station for the site. Entrances are proposed off Woods Mill Road and Olive Street Road.

At the Planning Commission meeting, the Petitioner made a request to reduce the open space to 16.74%. Because the motion to approve failed, the Commission did not take any action on the request for reduced open space.

The City has granted the Petitioner one variance to the 30-foot landscape buffer required in the Tree Manual. The Petitioner is now allowed a 10-foot landscape buffer along Olive Street Road and Woods Mill Road.

Mr. Geisel pointed out that the submitted plan does not represent a plan that is compliant with the Attachment A.

Planning Commission Report

Planning Vice-Chair Banks stated that the Commission wants to see something done with the subject site, but the major concern is the traffic issue. Several members of the Commission feel that the requested use will adversely affect the traffic in the area. It was felt that a use, such as small office, would negate all the traffic concerns. Because of the economics involved, there does not appear to be a willingness for such a use. The Commissioners voting in favor of the petition were Commissioners Geckeler, Grissom and Schenberg.

Ms. Yackley pointed out that if the Petitioner chooses to build under the existing C.U.P., they would have to go through Site Plan review and would have to adhere to current City standards.

DISCUSSION

Entrance off Olive

The entrance off Olive is a right-in and right-out only.

Cross Access with Dierberg's

Ms. Yackley stated that Jerry Ebest, representing Dierberg's, addressed cross access at the time of the Public Hearing. He noted that Dierberg's has existing lease requirements which prevent Dierberg's from granting cross access. Further, depending on the use, Dierberg's has concerns that Dierberg's parking could be significantly impacted.

Staff has not been able to find any documentation indicating that cross access was allowed when the filling station was on the site.

Reduced Buffer

Councilmember Durrell stated she is in agreement with the reduced buffer that was granted the Petitioner. She noted that the neighboring properties in this quadrant do not have much green space either.

Uses/Traffic

Councilmember Durrell indicated her agreement with the requested uses for the site. She felt that uses on the other sites in this quadrant are similar to the uses being requested. She felt that an office use may be an incompatible use for the site.

Noting that she frequents this area regularly, Councilmember Durrell stated she does not have any concerns about the traffic at this corner.

Petition Submittal

Considering that many of the issues have not been addressed, Councilmember Geiger asked why the Petitioner asked to come forward at this time.

City Attorney Heggie replied that he had received letters and phone calls from the Petitioner's attorney asking that the petition be placed on the agenda. The City advised that legally they were allowed to go forward but expressed concerns about the open issues. The Petitioner was also advised to submit an amended plan to the Planning Commission but they elected not to provide one.

Councilmember Hurt made a motion to accept the Petitioner's letter requesting that P.Z. 30-2007 Spirit Energy, LLC (13506 Olive) be removed from the agenda. The motion was seconded by Councilmember Durrell and **passed** by a voice vote of 4 to 0.

- E. **P.Z. 38-2007 Edison Crossing (162 Long Road):** A request for a change of zoning from a "NU" Non-Urban District to a "PC" Planned Commercial district for an approximately 11.4 acre parcel of land located at 162 Long Road, at the intersection of Long Road and Edison Avenue.

Staff Report

Ms. Jennifer Yackley, Project Planner, stated that the Petitioner is requesting to rezone the entire 11.4 acres but only two acres of the lot are developable. The Preliminary Plan only shows development on those two acres located in the northern part of the site.

The Planning Commission made the following change to use "r".

Sales, rental, and leasing of new and used vehicles, including automobiles. ~~trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.~~

The Department has granted variances to the Access Management Guidelines, as well as the Tree Manual. The variances were granted in consideration of the narrowness of the site.

The entrance to the site aligns with what will become Monarch's Center. The buffering would normally have been 30 feet along Edison and Long Roads; a variance of 15 feet was granted for the developable portion of the site along these two roads.

At the Planning Commission meeting, the Petitioner requested that the condition under Section J. item 3 of the Attachment A, provided by St. Louis County Department of Highways and Traffic, be removed. The condition relates to the acquisition of right-of-way. It was noted that Staff includes all Agency comments, without edit, into the Attachment A. Planning Commission approved the petition with a note to the Planning & Public Works Committee that no action was taken on the Petitioner's request because there had not been adequate time to consider it.

There are no specific hours of operation included in the Attachment A. Staff's recommendation is that there not be a restriction on the hours of operation considering that the site is located along arterial roadways. Other properties in the area – such as Monarch and Tower Center - do not have restrictions on their hours of operation. It was noted that the subject site is not located near any residential areas. The only development in the area that does have restricted hours is Towne Centre. Their hours of operation are 6:00 a.m. – 11:00 p.m. Sunday thru Thursday; and 6:00 a.m. – midnight Friday & Saturday.

Mr. Geisel stated that based on comments made at the last Committee meeting regarding hours of operation, a green sheet would be prepared adding an "Hours of Operation" section to the Attachment A with a recommended performance criteria.

DISCUSSION

Cross Access to the East

Mr. Geisel stated that the Bonhomme Creek Levee and a major drainage channel exist along the eastern border of the subject site. The City has been working with the Petitioner to allow some trailhead parking on the site in connection with the City's Levee Trail. While the Levee and drainage channel on-site physically prevents adjacent development, that area is expected to be used as a trail head and a secondary access onto Edison Road exists and will be shared between the development and the trail users. There is an existing access road at the toe of the levee, which would allow bicyclists and users to go through the subject site and access parking adjacent to the levee. The toe road at the base of the levee currently accesses Edison Avenue.

The City will also be negotiating separately for specific easements associated with the trail system.

Planning Commission Report

Planning Vice-Chair Banks stated that the only issues remaining at Planning Commission related to the request to amend use “r”, and the request to remove the condition from Section J of the Attachment A. He noted that, typically, the City follows recommendations received from the various Agencies.

Petitioner’s Presentation:

Mr. Mike Doster, Attorney representing the Petitioner, stated that the request to remove the condition under Section J was filed for the record. He and the City Attorney have communicated since then and have “respectfully agreed to disagree”. Their primary concern is that the petition be moved forward as the Petitioner has some contractual constraints.

City Attorney Heggie recommended leaving the Agency comment in the Attachment A.

Hours of Operation

Chair Fults asked if the Petitioner would accept hours of operation to coincide with Towne Centre being 6:00 a.m. – 11:00 p.m. Sunday thru Thursday; and 6:00 a.m. – midnight Friday & Saturday. She expressed concern about having 24-hour operation.

Mr. Doster replied that if the hours are restricted for the subject development, it puts them at a disadvantage compared to other developments in the area with the same zoning and same uses. He also noted that the development is a long way from any residential areas.

Mr. Corky Miller stated he would be developing the subject property and owns the bike shop across the street. He noted that he coordinates biking events with non-profit groups and sometimes the set-up process begins as early as 3 a.m. He had concern that restricting the hours of operation, as suggested by Chair Fults, would not allow set-up as early as 3 a.m.

Chair Fults stated that a conscious effort has to be made with respect to placing hours of operation within the Attachment A. She again expressed her concern about 24-hour retail, but noted that she does not want to restrict the type of activity that Mr. Miller outlined.

Mr. Doster suggested that the petition be forwarded to Council with the understanding that he would propose language before the next Council meeting addressing Chair Fults’ concerns, Mr. Miller’s concerns, and other contemplated uses for the site.

City Attorney Heggie also indicated that he would review the definition of "operation". It is possible that setting up for non-profit events would not fall under this definition.

Councilmember Geiger made a motion to forward P.Z. 38-2007 Edison Crossing (162 Long Road), with a green sheet showing hours of operation, to City Council with a recommendation to approve. The motion was seconded by Councilmember Durrell and passed by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the March 3, 2008 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on P.Z. 38-2007 Edison Crossing (162 Long Road).

- F. P.Z. 45-2007 Downtown Chesterfield (Chesterfield Village, Inc.):**
A request for a change of zoning from "R-8" PEU Residence District with a Planned Environmental Unit Procedure, "R-5" Residence District, "FPR-5" Residence District, "R-6A" PEU Residence District with a Planned Environmental Unit Procedure, "C-8" Planned Commercial District, "NU" Non-Urban District and "M-3" Planned Industrial District to "PC & R" Planned Commercial & Residential District for a 98.10 acre tract of land located at the southwest corner of the intersection of U.S. Highway 40/I-64 and Chesterfield Parkway West.

Staff Report

Ms. Mara Perry, Senior Planner, stated the Preliminary Plan shows three pieces of land – one larger piece and two smaller pieces located between Wild Horse Creek Road and Highway 40.

The project had its Public Hearing in November, 2007. A Committee of the Whole meeting was held in January, 2008 to review the Attachment A in detail. On February 11th, the Planning Commission voted to approve the petition by a vote of 8 to 0.

Planning Commission made one change in the Attachment A requiring that the Petitioner provide proposed hours of operation and delivery when coming in for a Section Plan or a Site Development Plan.

Planning Commission Report

Planning Vice-Chair Banks stated there were not many issues raised by Planning Commission other than the hours of operation and delivery. He agreed with Chair Fults that hours of operations should be established as part of the Attachment A.

DISCUSSION

Building Height

The issue of building height was discussed at the Planning Commission. Staff's Issues Reports gave heights of specific restaurants located at the Mall, which are considerably taller than the height restrictions in the Attachment A for Downtown Chesterfield. Staff has also researched other cities with downtowns and almost all of them had the same restriction, or, in some instances, taller than three stories. The Attachment A was changed to remove the redundancy of "feet" and "stories" – the Attachment A now refers to "feet" only with respect to height.

Parking Issues

In order for the language to match language used in the Attachment A for "PC" Districts, it was noted that the following change needs to be made to the Attachment A, Section I.A. "Parking Uses": **(changes shown in green)**

1. Parking areas, including garages, for automobiles, but not including any sales of automobiles **and not or** the storage of wrecked or otherwise damaged or immobilized automotive vehicles for a period in excess of seventy-two (72) hours.

Hours of Operation

Councilmember Geiger noted that a successful downtown will generate a lot of noise late at night and felt that residents from Stone Hill and the new Hayden development may object to it.

Councilmember Erickson agreed with Councilmember Geiger about the noise generated from a downtown area, but stated he does not want to see a lot of restrictions placed upon night hours for the downtown area.

Mr. Geisel stated that it is very likely that the hours of operation will vary at various points and with various types of uses throughout the development. Having the hours addressed at the Site Development Section Plan stage may restrict hours nearer residential areas.

Concept Plan

Councilmember Hurt asked if a Concept Plan is available for review. Mr. Doster replied that there is not a Concept Plan at this time. Sachs is now in the process of interviewing developers to develop the area.

Automatic Power of Review

It was noted that all plans approved by the Planning Commission for this site will be forwarded to City Council for review.

Traffic/Deliveries

Councilmember Hurt expressed concern about traffic issues in the downtown area. He expressed his desire to see back-entrance ways for deliveries vs. front door deliveries as they can impede the traffic flow.

Ms. Perry pointed out that the Attachment A includes a specific section pertaining to deliveries under Section I.P.4. (page 12).

Councilmember Hurt stated he is in favor of pedestrian traffic throughout downtown but does not want all the vehicular traffic to be cabs. He is hoping to see a free flow of transportation, which could include Metro transportation.

Air Rights

Councilmember Hurt referred to past discussions where a bridge was considered spanning the Parkway, which would connect the downtown area to the Mall area. He asked if this concept is still a possibility.

Ms. Kathy Higgins of Sachs Properties stated that the air rights over the Mall will expire in a couple of years. They have considered other options which include walkways coming up to the Mall; parking garages that would have walkways into the Mall parking lot; or a covered walkway from Sachs Library to the Mall.

Councilmember Geiger made a motion to forward P.Z. 45-2007 Downtown Chesterfield (Chesterfield Village, Inc.) to City Council with a recommendation to approve. The motion was seconded by Councilmember Hurt.

Councilmember Geiger then made a motion to amend the motion by amending Attachment A, Section I.A. "Parking Uses" as follows: (changes shown in green)

1. Parking areas, including garages, for automobiles, but not including any sales of automobiles ~~and not~~ **or** the storage of wrecked or otherwise damaged or immobilized automotive vehicles for a period in excess of seventy-two (72) hours.

Councilmember Hurt accepted the amendment to the motion.

The motion to approve, as amended, passed by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the March 3, 2008 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on P.Z. 45-2007 Downtown Chesterfield (Chesterfield Village, Inc.).

F. Tree Replacement

General discussion was held on the possibility of replacing trees along residential rights-of way throughout the City that have been lost through ice storms or other means, such as age or disease.

Staff was directed to review the possibility of a program that would replace street trees within City rights-of-way. Such a program should include a cost-shared agreement with the residents and would be included in the 2009 budget.

IV. ADJOURNMENT

The meeting adjourned at 6:45 p.m.